

EPORT SUMMARY

REFERENCE NO - 12/1829		
APPLICATION PROPOSAL Change of use of land to mixed use for agriculture and as a residential caravan site and erection of wooden amenity building.		
ADDRESS Kwana, Cross Drive, Kingswood, Maidstone, Kent, ME17 3NP		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION: The applicant is a gypsy/traveller; need for a gypsy/traveler accommodation; no harm to rural character of area or amenity of neighbouring properties while making a contribution to meeting need for gypsy/traveler accomodation		
REASON FOR REFERRAL TO COMMITTEE it is contrary to views expressed by Broomfield and Kingswood Parish Council		
WARD Leeds	PARISH/TOWN COUNCIL Broomfield & Kingswood	APPLICANT Mrs Rosemarie Humphreys AGENT Philip Brown Associates Ltd
DECISION DUE DATE 04/12/12	PUBLICITY EXPIRY DATE 04/12/12	OFFICER SITE VISIT DATE 12 th July 2014
Relevant Planning History: MA/01/1193: Use of the siting of a mobile home for a temporary period of two years and continued use of land as an animal shelter- REFUSED- 5 th September 2001 on the grounds the proposal would introduce sporadic residential development into the countryside contrary to policy and be harmful to the character and appearance of the area and that the personal case of the applicants was considered insufficient to overcome the objections identified.		

MAIN REPORT

1.0 DESCRIPTION OF SITE:

- 1.1 The application site comprises part of a much larger area of open of land fronting Cross Drive which is currently enclosed by a dense hedgerow running the whole length of the site frontage.

- 1.2 The land has been divided by post and wire fencing into paddocks used in connection with the keeping of animals including horses. The application site comprises the access onto Cross Lane and a narrow straight track just over 80 metres long giving access to an enclosed paddock area at the eastern end of the paddocks on which is sited, amongst other things, a mobile home and touring caravan.
- 1.3 Immediately to the rear (east side) of this paddock is an area used for the open storage of machinery and materials used in connection with the maintenance and use of the wider area of land. This area of open storage is set just within a conifer plantation enclosing the site to the east. To the east of this conifer plantation is an area of Ancient Woodland.
- 1.4 In wider context the site lies within open countryside with the surrounding area characterised by sporadic detached houses well separated from one another both by plot size and intervening tree cover.

2.0 PROPOSAL

- 2.1 The applicants, who are gypsies, seek to retain an existing mobile home and to erect a timber building to be used as what is described as an amenity block.
- 2.2 The amenity block, which will be sited approximately 10 metres to the south of the existing mobile home, will be used to provide bathroom and storage facilities. It will have a length of just under 7 metres, a width, including roof overhang, of just over 4.5 metres, an eaves height of 2.2 metres and an eaves height of 3.2 metres. It shown having a low pitched roof and has been designed to appear as a stable building being of low pitched roof timber weatherboard construction, top opening doors and roof overhang.
- 2.3 The following has been submitted in support of the application:
 - The site is intended to be occupied by Peter and Rosemarie Humphreys and daughter Sophie who was 15 years old at the time of the application.
 - The site is located just over 1 kilometre from Kingswood and therefore within reasonable travelling distance of local services.
 - The applicant is not a gypsy due to ethnicity but has a nomadic lifestyle. She is therefore a gypsy as defined in Annex 1 of the Planning policy for Traveller Sites' (PPTS) published in March 2012.
 - The applicant (Rosmarie Humphreys) has been living in a caravan since 2001 and has been living in a caravan stationed at Kwana on and off throughout this period.
 - She travels away from the caravan to attend farm and car boot sales for about 2-3 weeks each month, through April to November of each year operating a mobile stall selling hot food.
 - During winter Rose lives on site with her husband and daughter.

- The family needs a settled base so that they can have proper facilities when occupying the site and also to ensure a stable base so that their daughter can attend school.
- A settled base is also required to enable the family to look after livestock totalling 6 horses, 2 sheep, 10 chickens, 5 geese, 4 ducks, 2 turkeys and 3 bee hives.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13
National Planning Policy Framework (2012),
NPPG(2014)
Planning Policy for Traveller Sites (2012)

4.0 LOCAL REPRESENTATIONS

4.1 One objection has been received which is summarised as follows:

- Located on plot adjoining the development and proposed caravan and amenity block will be in direct view of Wren and will adversely affect the visual and acoustic amenity of the property.
- Cross Drive is in poor condition and the additional traffic arising from use of the site will result in harm to the free flow of traffic and highway safety particularly for pedestrians.

5.0 CONSULTATIONS

5.1 Broomfield and Kingswood Parish Council: Objects on the following grounds:

With the existing level of provision of traveller sites already within this parish there is no need for any addition to the existing site; MBC should strictly limit traveller site expansion and respect the scale of existing local sites so that they do not dominate the nearest settled communities of Kingswood and East Sutton.

Local Parishes should not suffer the consequences of the lack of provision for travellers and gypsies due to the absence of any Local Planning Authority Policy to supply alternate deliverable sites.

6.0 APPRAISAL

6.1 The key issues in relation to this proposal are considered to be (a) principle including the need for Gypsy and Traveller accommodation (b) impact of the rural character and setting of the area, (c) effect on the amenity of properties overlooking or abutting the site and (d) highway and parking considerations.

6.2 Principle of Development

6.3 It is acknowledged that planning permission was refused in 2001 under ref: MA/01/1193 for the use of the siting of a mobile home for a temporary period of two years and continued use of land as an animal shelter on the grounds that (a) it would introduce sporadic residential development into the countryside harmful to the character and appearance of the area and (b) that the personal case of the applicants was considered insufficient to overcome the objections identified. However given the length of time that has elapsed since this decision was made and that it substantially predates current Government Guidance on gypsy and traveller accommodation dating from 2012 and the Councils own assessment of need, it is considered to have little bearing on the assessment of the current application.

6.4 Turning to the current application, there are no 'saved' adopted Local Plan Policies relating directly to this type of development. Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 (MBWLP) set out general approach to development in the countryside stating that:

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers"

ENV28 then outlines the types of development that can be permitted.

6.5 A key consideration in assessment of this application is Government guidance contained in 'Planning policy for Traveller Sites' (PPTS) published in March 2012. This places a firm emphasis on the need to provide more gypsy sites, supporting self provision and acknowledging that sites are likely to be found in rural areas.

6.6 Though work on the emerging local plan is progressing as yet there remains no adopted policies relating to the provision of gypsy sites. Local Planning Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas as part of the Local Plan process. Maidstone in partnership with Sevenoaks District Council instructed Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	105 pitches
April 2016 – March 2021	25 pitches
April 2021 – March 2026	27 pitches
April 2026 – March 2031	30 pitches
Total Oct 2011 – March 2031	187 pitches

These figures were agreed by Cabinet on the 13th March 2013 as the pitch target and were included in the consultation version of the Local Plan.

6.7 Draft Policy CS12 of the Regulation 18 version of the Local Plan states that the Borough need for gypsy and traveller pitches will be addressed through

the granting of permanent planning permissions and through the allocation of sites.

6.8 The timetable for the Local Plan's adoption is July 2016.

6.9 Issues of need are dealt with below but, in terms of general principles Government Guidance clearly allows gypsy sites to be located in the countryside as an exception to the general policy of restraint.

6.10 Gypsy Status

6.11 Annex 1 of the PPTS defines gypsies and travellers as:-

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”.

6.12 Given the above definition and the lifestyle of the applicant, it is accepted that she complies with the definition of a gypsy contained in Government guidance in Planning Policy for traveller sites.

6.13 Need for Gypsy Sites

6.14 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.

6.15 As stated above, the projection accommodation requirements is as follows –

Oct 2011 – March 2016	105 pitches
April 2016 – March 2021	25 pitches
April 2021 – March 2026	27 pitches
April 2026 – March 2031	30 pitches
Total Oct 2011 – March 2031	187 pitches

6.16 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net) since the 1st April 2014:

54 Permanent non-personal permissions

9 Permanent personal permissions

0 Temporary non-personal permissions

28 Temporary personal permissions

Therefore a net total of 63 permanent pitches have been granted since 1st October 2011. As such a shortfall of 42 pitches remains outstanding.

6.17 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

6.18 Visual Impact

6.19 Government's Policy for Traveller Sites states that Local Planning Authorities should strictly limit new traveller development in open countryside (para 23). Furthermore where sites are in rural areas they should not dominate the nearest settled community or place undue pressure on local infrastructure.

6.20 In accordance with the provisions of the policy ENV28 of the adopted local plan, the visual impact of the mobile home and touring caravan already stationed on site on the rural character and openness of the area needs to be assessed. There is an existing dense hedge running along the whole site Cross Drive frontage, which, apart from allowing glimpse views into the site through the access point, largely conceals the site from view from the road. The mobile home is sited just under 80 metres back from Cross Drive and is further obscured from view by an existing hedge planted abutting the side of the mobile home facing towards Cross Drive. It is therefore considered that the mobile home has negligible impact on views into the site from Cross Road.

6.21 Regarding views from other perspectives, the mobile home is sited just abutting a dense conifer plantation screening the site from views to the east. This conifer plantation abuts an area of Ancient Woodland which is not affected by any development that has taken place on the application site. Abutting the northern site boundary is Cherry Tree Farm. However there is a dense tree and hedgerow screen running the full length of the northern site boundary screening the site and mobile home from this direction.

6.22 Along the southern site boundary, there is dense planting on the boundary with the adjoining house, Wren, set over 20 metres off the site boundary in a well treed setting.

6.23 It is therefore considered that the site is enclosed such that the visual impact of the mobile home is almost wholly contained within the site.

6.24 Turning to amenity block, single mobile homes such as that stationed on site have limited provision for washing and storage facilities. As such, it is the case that minor additional ancillary facilities such as that proposed here, can also considered as part of a planning application as long as they are not deemed to be excessive in meeting the applicants needs.

6.25 The amenity blocks small size means that it is not considered excessive in meeting the needs of the applicants enabling them to enjoy a reasonable standard of amenity while occupying the site. It is therefore considered to be justified in planning terms should Members see fit to grant planning to retain the mobile home.

6.26 Regarding design and siting of the amenity block, dealing first with design, its low roof pitch, timber weatherboard construction, top opening doors and roof overhang ensures it represents an acceptable design response to a rural setting such as this. Regarding siting, given its close proximity to the mobile home and well enclosed nature of the site in general described above, means that it will also have little perceptible impact outside the site and is acceptable on these grounds as well.

6.27 As such, notwithstanding the visual harm normally associated with mobile homes, given the well enclosed nature of the site in general and well screened location of the mobile home within the wider site, it is considered that its retention will not result in any continuing material harm to the open rural character of the area contrary to policy ENV28 of the adopted local plan. However to ensure that continued use of the site does not result in harm to the night-time rural environment lighting should be made the subject of control.

6.28 Residential Amenity:

The well enclosed nature of the site and separation distances between the nearest dwellings, mobile home and the amenity block means that the outlook and amenity of these properties will not suffer materially either from retention of the mobile home or the proposed amenity block.

6.29 Landscaping:

6.30 The existing hedgerow fronting Cross Drive, which is in good condition, provides screening to the site in general. Subject to this hedgerow being maintained in perpetuity at a height no less than 2.5 metres, it is considered that this measure will continue to ensure that the site remains well screened from public view.

6.31 Ecology:

6.32 The use of the site taking place involves much of the land outside the application site already divided up into paddocks to provide exercising and grazing area for the applicants many animals. Given the existing close cropped nature of these paddocks the opportunities for protected species establishing does not arise which will continue to be the case. Regarding the siting of the mobile home and proposed siting of the amenity block, the area immediately abutting the mobile home is used for circulation and open storage in connection with the use of the site as is the siting of the amenity block.

6.33 In the circumstances it is not considered that the retention of the mobile home and siting erection of the amenity block will have any impact on local wildlife. Reference has been made to an area of Ancient Woodland. However this is separated from the site by a conifer plantation over 30

metres wide. As such it is considered that there will be no material effect on the Ancient Woodland or any wildlife in it.

6.34 Sustainability:

6.35 The nearest settlement of any significance is Kingswood, just over 1 kilometre away to the east. In relative terms this site is therefore comparatively sustainable and it is considered it would be difficult to justify an objection based on sustainability grounds for a Gypsy and Travellers site.

6.36 Personal Circumstances:

6.37 Significant weight is normally given at appeal to personal circumstances particularly the needs of any children.

6.38 The applicant, based on her evidence, states that she has been occupying the site on and off as far back as 2001. The Council is not in possession of evidence to the contrary. Though she spends large parts of the summer months away from the site, much of the winter is spent on site with her family where she becomes involved in animal husbandry. The applicant also has one child, still of school age.

6.39 Given the need to provide a stable educational background for any children, the acknowledged benefits of a settled base, length of occupation of the site, and animal husbandry commitments of the applicant it is considered combine to make a significant case of personal circumstances in favour of the application.

6.40 Highways:

6.41 Cross Drive is a narrow private road serving a limited number of properties. Given that existing traffic using Cross Drive is likely to be small in number and slow moving and that traffic generated by the use of the site is also likely to be limited, it is not considered that there are any sustainable objections based on harm to the free flow of traffic or highway safety.

6.42 Other matters:

6.43 The concerns of the Parish Council are noted particularly in relation to what is seen as an excessive number of travellers and traveller sites in the locality and how this impacts on the settled community. However given the limited number of people involved with this application it is not considered that on their own they will have any material impact and as such the Parish Council's concerns in this respect cannot be supported.

6.44 In addition, given the identified need for gypsy/traveller sites, that not all this need is capable of being met on existing sites and in the absence of a compelling case of demonstrable harm being identified in relation to the current application, that the remaining objections of the Parish Council are also not supported.

7.0 CONCLUSIONS:

7.1 These are considered to be as follows:

- The applicant has demonstrated that she is a gypsy/traveller by virtue of her lifestyle and therefore entitled to consideration of the application in accordance with Government and local policies relating to this group.
- Given the need for gypsy/traveller sites that there is no objection in principle to retention of the mobile home and provision of an amenity block.
- In size terms the amenity block is considered to meet the reasonable additional needs of the applicants that not met by the mobile home.
- The site is very well screened such the mobile home and amenity block, which is acceptable in design terms, does not result in any material harm to the rural character of openness of the area of the outlook or amenity of development abutting the site.
- That retention of the mobile home will make a contribution to meeting the unmet need identified above.
- There is no objection to the proposal on highway grounds.

7.2 In the circumstances, it is considered that the proposal is acceptable and its is recommended that planning permission is granted. As I consider the application is acceptable, there are no grounds to restrict the permission to the applicant's personal use or for any temporary period.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The hedgerow fronting Cross Drive in the ownership of the applicants (ownership being shown on site location plan received on the 10th October) shall be retained no lower than 2.5 metres in height at all times. Should any planting become dead, dying, diseased or dangerous it shall be replaced with the same species within the first available planting season, allowed to grow up to at least 2.5 metres in height and thereafter maintained at all times thereafter in accordance with the provisions of this condition.

Reason: To screen the development in the interests of visual amenity.

2. No more than one static residential caravan as defined in Section 24(8) of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and one touring caravan, which shall not be used for habitation purposes, shall be stationed on the site at any one time. The caravans hereby permitted shall only be sited within the red area shown on the site location plan received on the 10th October 2012 but excluding the red area identifying the access to the site.

Reason: To accord with the terms of the application and in the interests of visual amenity.

3. No commercial or business activities shall take place on the land, including the storage of vehicles or materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

4. No floodlighting or column lighting shall be installed and no more than one external light source shall be affixed to the mobile home and amenity block.

Reason: To safeguard the night time rural environment in the interests of visual amenity.

5. The site shall only be occupied by gypsies and travellers as defined DCLG guidance 'Planning policy for Traveller Sites' published in March 2012 as set out in Annexe 1.

Reason: To reflect the special circumstances of the application.

6. The development hereby approved shall only be carried out in accordance with the following approved plans being those received on the 10th October 2012.

Reason: To ensure that the development is carried out in accordance with the approved plans in the interests of amenity.

Note:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.